

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES OF AMERICA**

**v.**

**JOHN WILLIS**

**Defendant.**

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**No. 1:11-cr-10212-JLT**

**DEFENDANT'S MOTION TO WAIVE ORAL ARGUMENTS  
ON THE DEFENDANT'S MOTION TO SUPPRESS**

John Willis ("the defendant"), by and through undersigned counsel, filed a motion for an order suppressing all intercepted communications obtained as a result of the submission of applications by the United States Attorney's Office to intercept the cell phone activity of the Defendant and any evidence derived or gained as the fruits of those interceptions. The defendant contends pursuant to 18 U.S.C. § 2518 (10)(a)(ii) that the order of authorization and approval under which the cell phone calls were intercepted was insufficient on its face. The motion, at this time, will require a preliminary review of the initial warrant submitted in support of the wire intercepts. At this time the Defendant has agreed that no evidentiary hearing is required. Should the Court determine, an evidentiary hearing pursuant to Franks v. Delaware, 438 U.S. 154 (1978) may be required at a later date.

After consultation with Assistant United States Attorney Timothy E. Moran the parties have agreed to submit consideration of the Motion to Suppress on the papers currently on file and waive any oral argument; unless the Court believes such argument is necessary. The parties have very recently become engaged in negotiations that are likely to result in a resolution of this

case without the need for a trial. The parties have no objection if the Court prefers to continue the hearing to a later date. If not, it is agreed that no oral argument will be required.

Dated: January 4, 2013

JOHN WILLIS  
By and through his attorney,

/s/ Charles E. Dolan  
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